



MONTGOMERY COUNTY ETHICS COMMISSION

Steven Rosen
Chair

Kenita V. Barrow
Vice Chair

February 8, 2017

Waiver 17-01-003

Pursuant to § 19A-12(b)(1)(B) of the Public Ethics Law, a public employee may not be employed by a business that negotiates or contracts with the County agency with which the public employee is affiliated, unless the Ethics Commission grants a waiver.

Larry Gamble is a Manager III in the Behavioral Health & Crisis Services Division at the Montgomery County Department of Health and Human Services (DHHS). DHHS has contracts with Suburban Hospital, one for cancer outreach and education and one that is overseen by the Child and Adolescent Mental Health program at DHHS. Mr. Gamble is not, in his official capacity, involved with these contracts. He requests a waiver of the prohibition of § 19A-12(b)(1)(B) so that he can be employed by Suburban Hospital as a Crisis Therapist.

In his role as Manager III for Specialty Behavioral Health Services which includes the Medication Assisted Treatment (MAT) Program and the Adult Drug Court Treatment (ADCT) Program, Mr. Gamble is responsible for the administrative and clinical oversight of each program. He provides direct supervision of specific staff in each program and three Community Services Aides III assigned to the Drug Testing Program.

In his role as a Crisis Therapist for Suburban Hospital, he performs behavioral health assessments on patients presenting to the Emergency Room for possible admission into the inpatient psychiatric unit, and/or medical detoxification services. He also makes referrals to community agencies for patients who do not meet criteria for hospitalization. This might involve referring patients to Montgomery County DHHS programs.

Mr. Gamble submits that the potential for an actual conflict or appearance of a conflict arises when referrals are made from the ADCT or MAT programs to Suburban Hospital. Referrals to Suburban are infrequent and only arise in medical emergencies. To avoid a conflict of interest, Mr. Gamble has offered to recuse himself from making a recommendation to transfer a patient to Suburban Hospital during a medical emergency. In that instance, a referral will be handled by his nursing staff.

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It may be that while working at Suburban Hospital, Mr. Gamble will refer patients to County programs. The DHHS has advised the Ethics Commission that it believes this to be beneficial.

Pursuant to § 19A-8(b)(3) of the Public Ethics Law, the Ethics Commission may grant a waiver of the prohibition of § 19A-12(b) if the Ethics Commission concludes that the proposed employment is not likely to create an actual conflict of interest. Upon a review of the request and the Department's concurrence in and support for the waiver request, the Commission finds that there is no actual conflict of interest. Pursuant to the standard of § 19A-8(b)(3), the Commission grants the waiver of the prohibition of § 19A-12(b). The waiver is conditioned on Mr. Gamble recusing himself from working in his official capacity on matters affecting Suburban Hospital or in his official capacity referring patients or others to Suburban Hospital.

In reaching this decision, the Commission has relied upon the facts as presented by Mr. Gamble.

For the Commission:



Steven Rosen, Chair